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## **TELECONFERENCE MINUTES OCTOBER 16, 2006**

### Call to Order

The Board of Environmental Review's regularly scheduled meeting was called to order by Chairman Russell at 12:02 p.m., on Monday, October 16, 2006, in Room 112 of the Last Chance Gulch Building, 1100 North Main, Helena, Montana.

### Attendance

Board Members Present via Telephone: Chairman Joseph Russell, Heidi Kaiser, Robin Shropshire, Don Marble, Bill Rossbach, and Kim Lacey

Board Members Absent: Gayle Skunkcap

Board Attorney Present: Katherine Orr, Attorney General's Office, Department of Justice

Board Secretary Present: Joyce Wittenberg

Court Reporter Present: None

Department Personnel Present: Richard Oppen, Director; Tom Livers, Deputy Director; David Rusoff, Legal; Charles Homer, Air Resources Management Bureau (ARMB), Permitting and Compliance Division (PCD); David Klemp, ARMB, PCD; Debbie Skibicki, ARMB, PCD.

Interested Persons Present (in person or via telephone): Jeff Chaffee, Bison Engineering; Alan Joscelyn, PPL Colstrip; Jim Parker, PPL Montana; Chuck Kerr, Great Northern; Tim Gregori, Southern Montana G and T; Ken Reis, Southern Montana Electric; Sheri Jones, Bureau of National Affairs; Anne Hedges, Montana Environmental Information Center; Gordon Criswell, PPL Montana; Dave Kinard, PPL Montana;

- I In the matter of the amendment of ARM 17.8.740 and 17.8.767 and the adoption of New Rules I and II pertaining to control of mercury emissions from facilities that combust coal to generate electricity for sale and adoption of the cap and trade provisions of the federal Clean Air Mercury Rule.

Mr. Rossbach said there had been a misunderstanding about what he was trying to do with the language he had suggested adding concerning excepting boiler technology from consideration, which was added in four sections of the rule. He said it had been his only intention that the language apply to department review in 2011 and 2018 for AEL and for the 10-year BACT review. He said it was not intended to be included in the initial application process.

Mr. Rossbach MOVED to remove the exception language from Section 1.B of the rule. Ms. Kaiser SECONDED the motion.

Further discussion took place and it was decided that the language should also be removed from Section 1.C of the rule. The department proposed some additional clarification in the response to comments, numbers 123 through 159.

Chairman Russell called for public comment on the proposed amendments. Ms. Hedges questioned whether the changes were intended to redefine BACT. Mr. Gregori asked for clarification that the new language would not allow the requirement of boiler technology change after a facility is up and running.

Chairman Russell reminded everyone of the motion before the Board, which had also been seconded. He called for a VOTE and the motion CARRIED unanimously.

Chairman Russell called for a motion to modify the rule ARM 17.8.740 and 17.8.767, adopt New Rules 1 and 2, pertaining to the control of mercury emissions from facilities that combust coal to generate electricity, and to accept the responses to comments and the 521 and 311 analyses. Ms. Lacey so MOVED. Ms. Kaiser SECONDED the motion. The motion CARRIED with a 5-1 VOTE.

II. General Public Comment

Chairman Russell called for general public comment. There was no response.

III. Adjournment

Chairman Russell called for a motion to adjourn. Ms. Lacey so MOVED. Mr. Marble SECONDED the motion. The motion CARRIED with a unanimous VOTE.

The meeting adjourned at 12:27 p.m.

Board of Environmental Review October 16, 2006, teleconference minutes approved:

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JOSEPH W. RUSSELL, M.P.H.  
CHAIRMAN  
BOARD OF ENVIRONMENTAL REVIEW

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DATE